

1 JOHN R. ROBERTS  
2 Bankruptcy Trustee  
3 P.O. Box 1506  
Placerville, CA 95667-1506  
(530) 626-6441

4 [Our File No. 5592]

5

6 UNITED STATES BANKRUPTCY COURT

7 FOR THE EASTERN DISTRICT OF CALIFORNIA

8 IN RE:

CASE NO. 11-22685-D-7

9 **BLUE RIBBON STAIRS, INC**

DC NO. JRR-1  
DATE: NOVEMBER 9, 2011  
TIME: 10:00 AM  
COURTROOM: 34

10 Debtor(s).  
11 \_\_\_\_\_ /

12 **TRUSTEE'S MOTION FOR TURNOVER OF ATTORNEY FEES OF  
13 ATTORNEY FOR DEBTOR  
(Bankruptcy Code §542)**

14  
15 NOW COMES, JOHN R. ROBERTS, duly appointed and acting Trustee in this  
16 matter, and moves this Court for an Order directing the debtor's attorney, Julia P. Gibbs, to  
17 turnover all fees she has received in this case based on the following:

- 18 1. This case was originally filed as a Chapter 11 on February 2, 2011.
- 19 2. The Debtor's attorney Julia Gibbs (Respondent) was approved to represent  
20 the Debtor pursuant to court order on February 25, 2011. See Exhibit "A"
- 21 3. According to Respondent's application to be employed she received a  
22 twenty-five thousand dollar (\$25,000.00) retainer. See Exhibit "B".
- 23 4. Three-thousand dollars (\$3,000.00) of this amount was applied to pre-  
24 petition fees.
- 25 5. One-thousand, thirty-nine dollars (\$1,039.00) was used for filing fees.
- 26 6. The balance of twenty-thousand, nine-hundred, and sixty-one dollars  
27 (\$20,961.00) is remaining in Respondent's trust account.

7. According to Respondent's application the funds in her trust account remain property of the Bankruptcy Estate.
8. Again according to Respondent, said funds shall remain in her trust account until such time as the Court approves any fees and distribution. See Exhibit "B"
9. This case was converted from a Chapter 11 to a Chapter 7 on June 30, 2011.
10. Despite many requests by the Trustee for the Respondent to apply to the Court for approval of her fees, she has refused to do so.
11. The Trustee has demanded turnover the funds from the Respondent, and the Respondent again has refused to do so.
12. This Bankruptcy Estate is administratively insolvent and therefore there will be a pro-rata distribution among the administrative claimants.

WHEREFORE, the Trustee prays that the Court make its Order for the immediate turnover of the fees paid to Respondent by the debtor, the total sum of twenty-thousand, nine-hundred, and sixty-one dollars (\$20,961.00), to the Trustee.

DATED: October 11, 2011

/s/ JOHN R. ROBERTS, TRUSTEE  
P.O. BOX 1506  
Placerville, CA 95667  
530-626-6441  
court@bankruptcy-info.com  
State Bar No. 77919